

LAW OFFICES

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Intellectual Property Law

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\*Admitted only in states indicated

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**FACSIMILE TRANSMISSION COVER SHEET**

DATE: November 19, 2004

TO: Examiner Kevin E. Weddington  
 Group Art Unit 1614  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

RE: U.S. Patent Application No. 10/628,322  
 Entitled: A METHOD FOR TREATING CANCER WITH WATER-INSOLUBLE S-CAMPTOTHECIN OF THE CLOSED LACTONE RING FORM AND DERIVATIVES THEREOF  
Our Ref.: 3603-030-03

FROM: Luke A. Kilyk, Esq. *L.A.K.*

FAC. TEL. NO.: 1-703-872-9306

**NUMBER OF PAGES (INCLUDING THIS COVER SHEET): 13**

Items Attached: Amendment -- 9 pages  
 Terminal Disclaimer -- 1 page  
 Fee Transmittal -- 1 page  
 Credit Card Payment Form -- 1 page

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No.1-703-872-9306 on November 19, 2004.

Donald S. Prater  
 Name

*Donald S. Prater*  
 Signature

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# FEE TRANSMITTAL

## for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant Claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$110.00)**METHOD OF PAYMENT (check all that apply)** Check  Credit card  Money Order  Other  None Deposit Account

Deposit Account Number

50-0925

Deposit Account Name

Kilyk &amp; Bowersox, P.L.L.C.

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 X Charge any additional fees or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee  
 to the above-identified deposit account.

**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1001	2001	385		Utility filing fee	
1002	2400	170		Design filing fee	
1003	530	265		Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	180	2005	60	Provisional filing fee	

**SUBTOTAL (1) (\$0.00)****2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Large Entity	Small Entity	Fee from below	Fee Paid
Total Claims	9	-20* =	0 X
Independent Claims	1	- 3** =	0 X
Multiple Dependent			

**SUBTOTAL (2) (\$0.00)**

\* or number previously paid. If greater, for Reissues, see above

Complete if Known			
Application Number	10/628,322		
Filing Date	July 28, 2003		
First Named Inventor	Giovanelia et al.		
Examiner Name	Kevin E. Weddington		
Art Unit	1614		
Attorney Docket No.	3603-030-03		

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1263	850	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	865	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	840	2503	320	Plant issue fee	
1450	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1808	180	1808	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (including number of properties)	
1809	770	2809	385	File a continuation after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
					110.00
					110.00
					110.00

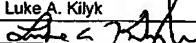
**Other fee (specify) Statutory Disclaimer Fee**

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)**

(\$ 110.00)

**SUBMITTED BY****Complete (if payable)**

Name (Print/Type)	Luke A. Kilyk	Registration No. (Attorney/Agent)	33,251	Telephone	1-540-428-1701
Signature				Date	November 19, 2004

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Donald S. Prater



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PTO/SB/26 (10-00)

Approved for use through 10/31/2002. OMB 0651-0031  
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TERMINAL DISCLAIMER TO OBLIVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENTDocket Number (Optional)  
3603-030-03

In re Application of: Giovanella et al.

Application No.: 10/628,322

Filed: July 28, 2003

For: A METHOD FOR TREATING CANCER WITH WATER-INSOLUBLE S-CAMPTOTHECIN OF THE CLOSED LACTONE RING FORM AND DERIVATIVES THEREOF

The owner\*, Stehlin Foundation of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent Nos. 5,652,244; 5,889,017; 6,166,029; and 6,342,506. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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2.  The undersigned is an attorney or agent of record.

11/22/2004 KROCHAI 00000007 10628322

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110.00 DP



November 19, 2004

Signature

Date

Luke A. Kilyk, Reg. No. 33,251

Typed or printed name

Terminal disclaimer fee under 37 CFR 1.20(d) included.

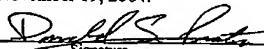
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Donald S. Prater



Name

Signature